

Planning Committee

6.00 pm, 22 November 2018

Present at the meeting

Councillor Paul Baker (Vice-Chair)
Councillor Stephen Cooke
Councillor Diggory Seacome
Councillor Victoria Atherstone
Councillor Bernard Fisher
Councillor Dilys Barrell

Councillor Mike Collins
Councillor Tony Oliver
Councillor Simon Wheeler
Councillor Rowena Hay (Reserve)
Councillor Roger Whyborn (Reserve)

Officers in attendance

Michelle Payne, Senior Planning Officer (MP)
Emma Pickernell, Senior Planning Officer (EP)
Joe Seymour, Senior Planning Officer (JS)
Ben Hawkes, Planning Officer (BH)
Nikita Hooper, Conservation Officer (NH)
Nick Jonathan, Legal Officer (NJ)
Simeon Manley, Acting Head of Planning (SM)

13. Apologies

Councillors Barnes, McCloskey, Hobley and Hegenbarth (LibDem)
Councillor Payne (PAB)

14. Declarations of Interest

18/01940/FUL Garages to the rear of Mercian Court
Councillor Barrell – is a member of SPJARA committee, but not involved in any discussions about planning applications.

15. Declarations of independent site visits

18/01776/FUL Cromwell Court; **18/01940/FUL** Garages to the rear of Mercian Court
Councillor Fisher visited both these sites independently.

16. Public Questions

There were none.

17. Minutes of last meeting

Resolved, that the minutes of the meeting held on 18th October 2018 be approved and signed as a correct record with the following correction:

Page 4, Paragraph 3, line 7

-:He reported that they had lost 3000 **30,000** sq. ft of office space to residential in the town...

18. Planning/Listed Building/Conservation Area Consent/Advertisement Applications, Applications for Lawful Development Certificate and Tree related applications – see Main Schedule

19. 18/01620/FUL Wellesbourne, Oakfield Street

Application Number:	18/01620/FUL
Location:	Wellesbourne, Oakfield Street
Proposal:	Single storey rear extension (part retrospective)
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Refuse
Letters of Rep:	4
Update Report:	None

Officer introduction:

EP reminded Members that this application was at Committee last month and was deferred, due to concerns over the scheme, in particular the bi-fold doors to the side elevation. The applicant has revised the scheme, replacing the bi-fold doors with non-opening glazing, to be fixed shut. This will avoid potential noise and disturbance from the doors being open and shut, and the officer recommendation is therefore to permit.

Public Speaking:**Neighbour, in objection**

Is sorry that this application is back at Committee this evening. Had hoped that last month's decision would lead to a dialogue which should have taken place in the summer, before the extension was built without planning permission, and a solution fair to all parties could be found. There has been no negotiation or discussion, just an email from the case officer advising what the applicant intends to do. Members expressed significant concerns about the development and its impact at the last meeting, but none of the issues have been addressed by the applicant – the only alteration to the design is that the side windows will not be openable. However, as the case officer states, a current or future owner could apply to remove the condition in order for these windows to become openable. And with the large opening in the side elevation, there is nothing stopping anyone from opening the windows and turning them into bi-fold doors at any time – will live in anticipation of being in the same position all over again, needing the Committee or Enforcement Officer, if the work were to be done without permission, to protect her privacy. This is not an acceptable solution, and cannot feel reassured by the current proposal in any way.

Is at a loss to understand the necessity for 3.5m floor to ceiling windows in a side elevation, one metre from a 6ft fence. How much light will this achieve? There are other ways to maximise light without affecting neighbouring amenity. This is the wrong design for a terrace. There should be no glazing, bi-fold doors or large windows in a side elevation close to neighbour's amenity space. Its size, height, thickness and overhang of the roof less than 1m from her boundary, add cumulatively to the unacceptable impact of the development. It fails Local Plan policies CP4 and CP7. Asks Members to refuse the application, and not let this inconsiderate development set a poor precedent for the area.

Mr Potente, applicant, in support

Has 45 years' experience in the building industry, and has gained respect and a reputation for working with honesty and integrity for a number of major companies. Has many glowing references which support and confirm this, and can be considered as testament of his professionalism and good character. Has worked alongside these architects, designers, surveyors and project managers, but , planning and licensing applications are not part of his remit – apologies for his naivety regarding local planning regulations. Did not intend to avoid planning, but believed the advice from a building inspector and acted in good faith. On 23rd June, invited neighbour at 1 Oakfield Street to look at plans for extension, showing the siting of the proposal to be carried out under permitted development. The meeting ended

amicably, with no objection from the neighbour. Has now considered the neighbour's objections as follows: regarding noise/smells from the bi-fold doors, will omit the bi-fold doors, reduce the structural opening by 50%, and fit a non-opening, glazed window to retain much needed light; regarding the size of the extension, there are many similar ones existing in Tivoli, it is the same roof height and projection as the adjoining neighbour's extension. In good faith, has no wish to cause neighbour any more noise and smell than any other single-occupancy resident, just everyday acceptable levels. Finally, for clarity, has rigidly followed the advice of the officer in the amendments made, hence the recommendation to permit.

Councillor Harman, in objection

Thanked the Committee for the opportunity to speak, saying that in his 6½ years as a councillor, this one of the most disturbing applications he has come across. This is a retrospective application from an applicant with 45 years' experience in the building trade who yet was not aware of planning rules – surely he should understand the system. There was no consultation with neighbours before the first brick was laid, and hopes that Members of Committee who viewed the site on Planning View will confirm that this proposal has a significant impact on the property next door. Retrospective applications are difficult, but this seems like a breach of faith. So where are we from a practical point of view? Would like Committee to have the courage to reject the application, not least to avoid giving the wrong signal to others, but if Members feel they must approve, they must look seriously at conditions for a long-term sustainable solution. Is the proposal for window or door? When is window not a window, a door not a door? The proposed non-opening window would be easily converted into opening doors or windows, which would impair the neighbour's privacy. It would be difficult to realistically control whether they were opened or no. Hopes Committee will not consider this proposal lightly; they should seriously consider a refusal or, if not, insist on conditions to protect the residents at No. 1 Oakfield Street from significant encroachment.

Member debate:

SW: for clarification, was told on site view that the bi-fold door on the side were now to be windows fixed shut? This was the main bone of contention last time. Finds it odd that someone would want bi-fold doors on that face of the building - this is up to them but the imposition on the neighbour is not good. Are the bi-fold doors to remain or be put elsewhere?

EP, in response:

- The side elevation opening is the same as before, but the glazing is fixed shut and there is a suggested condition to control that. The window is not capable of being opened.

DB: is very disappointed that the applicant and neighbour have not been able to come to an agreement about this. They have had no discussions on the subject. Can officers confirm – are we still talking about separate glass panels or one piece of glass? How easily can it be turned into doors or something that can be opened?

EP, in response:

- The window is made up of individual panes of glass in frames. They are fixed shut and non-openable, by condition. If the applicant wanted to change this, he would need to apply to vary the condition.

BF: paragraph 6.7 of the officer report quotes Local Plan policy CP7 that 'the most important consideration is that an extension should not detract from the original dwelling', and at paragraph 6.13 states that JCS policy SD14 stipulates that development should not

cause unacceptable harm to the amenity of neighbouring properties, supported through Local Plan policy CP4. Privacy and adequate daylight are also two of the basic design principles of the SPD. Still thinks that this proposal detracts from the neighbouring amenity.

MC: having consulted with the applicant and given advice, has the applicant taken on board the advice given by the officer? The officer talks about controlling the current design by condition, but exactly what words would form that condition? Is seeking assurance that the condition will be enforceable.

PB: the condition is in the report – ‘the proposed glazing shown to the side (north) elevation shall be fixed shut and non-opening at all times’.

MC: but is this enforceable? If so, by whom?

PB: by this authority – planning enforcement officers – like any other condition.

BF: would just remind Members that all conditions are appealable.

SC: this is not only a difficult case but also a retrospective application. Finds it astonishing that two people living so close to each other didn't even discuss the proposal beforehand. Has suspicions about the process, but the biggest bone of contention remains the side window in the north-facing wall, 1m away from the neighbour's wall. Finds this bizarre; it cannot be needed for light, on this north-facing wall. If more light was needed, a roof light would be the obvious solution. This extension is much larger than the house extends at the back; it should be subservient, but is as wide as the original house. The proposal detracts from the amenity of the neighbour. It is illogical to suggest the applicant has to have this window in this side for light. Suspects there could be a hidden agenda, and it could be converted back to a door in the future.

PB: it isn't for Members to decide what the applicant wants, and there is no doubt that the proposed window will give light. And Members should not let the fact that this is a retrospective application cloud their judgement.

Vote on officer recommendation to permit

2 in support

7 in objection

2 abstentions

NOT CARRIED

PB: as Members have voted against officer recommendation to permit, someone will need to move to refuse, with policy reasons.

BF: suggests CP4 for the loss of neighbouring amenity, and CP7 for design – although this is also causing problems for the neighbour. Is open to other suggestions.

EP, in response:

- CP4 is concerned with amenity issues, and also design. Members mentioned subservience, and scale of the extension in relation to the original house. Amenity covers concerns about windows and glazing, and also privacy;
- Loss of amenity and design are the two main issues – officers can craft refusal reasons around this.

Vote on BF's move to refuse on CP4 and CP7

7 in support

1 in objection

3 abstentions

CARRIED - REFUSE

20. 18/00872/FUL Kingsditch Retail Park

Application Number:	18/00872/FUL
Location:	Kingsditch Retail Park, Kingsditch Lane, Cheltenham
Proposal:	Erection of two new retail units (Class A1) and associated works
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	0
Update Report:	None

Officer introduction:

MP informed Members that the application is for two new retail units following the demolition of a vacant industrial unit, and the application site also includes part of Kingsditch Industrial Estate in Malmesbury Road. The two units will be situated between M&S Home and M&S Foodhall, creating 2,138 square metres of new retail floor space. Officers are satisfied that the land will retain its employment use, in accordance with the emerging Local Plan, and that the design is appropriate within the context. Highways officers have raised no objections. The application is at Committee because of an objection from Swindon Village Parish Council.

Public Speaking:

Mr Sobic, agent, in support

Would echo the officer's comments, and request that Committee approve the proposal. The applicants have worked positively with officers at pre-app stage and throughout the application, to ensure the most appropriate development. All technical consultees consider the proposal to be acceptable, including the Architects' Panel, which considers it to be better use of the existing space, and an enhancement of the area. The proposal complies with all retail/employment policies. There is a strong demand for retail floor space and new retail stores, and this will assist in meeting that need. The matters raised by the parish council have been addressed; the proposal doesn't harm the neighbouring premises, which are also owned by the applicant. The scheme has regenerative benefits, representing an investment in Cheltenham of £1.75m, offering 32 full- and part-time jobs, contributing £650k in wage generation, and approximately £380k in business rates for the council. To sum up, it is a well-designed proposal, with positive benefits, will improve the site, finish the retail park, and provide employment for Cheltenham.

Member debate:

PB: considers this an excellent application. It will enhance that end of the retail estate – was amazed how busy it was, even on a Tuesday afternoon when Members visited on Planning View. It will be a real boost, bring additional business rates to the town. A condition is included to ensure the new stores cannot have uses which will conflict with town centre uses. The scheme has his full support. Notes the officer comment about trees.

SC: also considers this a good scheme, and an improvement to the site. Would just like to make a comment, in view of the officer description and several comments referring to alternative means of travel. This type of development is a car destination. There is mention of alternative ways of travel, but this is the type of place most people will go to by car. It is a pity that more effort is not made to make this sort of development more attractive and easy to use for non-drivers. For cyclists, it is unwelcoming; for pedestrians, it is very difficult to access. There is scope for charging electric vehicles, which is great, but these are just

another type of vehicle. We should support the proposal, but it is disappointingly car-orientated, and will draw people away from the town centre.

PB: it is the nature of this kind of development. Cycle racks are provided.

MP, in response:

- Trees are proposed as part of the development. There is a lot of existing landscaping, including along Kingsditch Lane – this will be retained, together with new pockets of landscaping. Trees officer has looked at these plans and is happy with the proposal;
- To SC, as PB has said, cycling racks are included, but it should not be held against the applicant that people will generally drive to the site rather than cycle.

Vote on officer recommendation to permit

11 in support – unanimous

PERMIT

21. 18/01555/FUL 76 Hales Road

Application Number: **18/01555/FUL**
 Location: **76 Hales Road, Cheltenham**
 Proposal: **Rear and side lower ground and ground floor extension**
 View: Yes
 Officer Recommendation: **Permit**
 Committee Decision: **Permit**
 Letters of Rep: **3** Update Report: **(Photos of site, provided by speaker)**

Officer introduction:

EP said this is an application for a ground and lower ground floor extension at 76 Hales Road. The officer has sought revisions to the original scheme, and now feels that the design is acceptable and impact on neighbouring properties minimal. The application is at Planning Committee at the request of Councillor Jordan.

Public Speaking:

Neighbour, in objection

Is generally not against anyone improving their homes, and believes they should be allowed to do so; does not like being a difficult neighbour. However, this proposal will impact on neighbours at 29 Kings Road and two other adjacent properties, by its scale, proximity, and impact on light levels, as well as the impact in conservation area. Firstly, it is a large and high extension, close to his property – 4.5m high, extending 2.2m, 0.5m from the boundary with his property – an imposing edifice, which he considers to be overly large and bulky, and inappropriate in design. Some changes have been made to the original proposal, but the extension is still very large. Secondly, the proposal will impact on his patio and seating area which will be overlooked. The proposed cedar cladding will not mitigate this. The officer report states that there is already an element of overlooking between the application site and the neighbouring property and extending 2m further into the site will not make the impact any worse. Disagrees with this – the privacy of his living space will be compromised, and not feel like his own space any more – and there will be loss of light and loss of privacy. Finally, the buildings are in a conservation area, and should be preserved and enhanced. Both his own and the applicant's houses are in a prominent position in the conservation area, close to No. 80 which is identified as historically significant in the Sydenham Character Appraisal and Management plan. Development should enhance and preserve the area, but the proposal will appear out of place, includes uPVC windows of a different style to the original, and could undermine some established and thriving trees.

Member debate:

BF: the objector has made a lot of points about loss of light. Can officers confirm that the proposal passes the light test in every position?

EP, in response:

- With regard to the neighbour's basement, the existing structure already results in a failure of the light test. However, the neighbour's ground floor accommodation passes the light test.

SC: looking at the drawings doesn't give a true impression of the height above the ground of the proposed extension. It is a large, looming building for the neighbour, not only in his basement, but also on the ground floor. This is a very, very large structure a few metres from the boundary. Has great sympathy with the objector for the loss of amenity.

PB: visited the site on Planning View. This is one of those really difficult applications to decide, but as the applicant has reduced the size of the original proposal, and it is a well-designed scheme, will vote in support.

Vote on officer recommendation to permit

9 in support

2 in objection

PERMIT

22. 18/01776/FUL Cromwell Court, Greenway Lane

Application Number:	18/01776/FUL
Location:	Cromwell Court, Greenway Lane, Charlton Kings
Proposal:	Sub-division of existing dwelling into 8 apartment units
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	6
Update Report:	None

Officer introduction:

JS introduced the application as above, referred to Planning Committee at the request of Councillor McCloskey. The recommendation is to permit, for the reasons set out in the officer report.

Public Speaking:

None.

Member debate:

SW: originally did not think much of this application, but on seeing the building on Planning View, and how it was to be sub-divided, felt it to be a really good use of big property, providing much better accommodation for more people.

BF: it says in the report that parking for residents will be located on the existing hardstanding to the front of the building, but is there any additional parking? There could be 16 cars, two per flat. This is a large building, although not listed – when it was built, it was the largest property in Cheltenham since World War II. A lot of work has been done at the site without planning permission, which planning enforcement officers are following up, but

does not feel this proposal is the right thing to do with a house of this proportion, in the AONB. It should be preserved as a single dwelling – this would do less harm than converting it to eight dwellings.

JS, in response:

- Space exists for a large number of cars; the question is whether, in itself, parking in front of a property in the AONB is harmful. Concluded that parking is not inherently harmful, and as other aspects of highway safety are acceptable, the recommendation is to permit.
- Any unauthorised development of the site is not relevant to the determination of this planning application.

BF: what about bin storage? Visited the site and could not see from the outside whether this is adequately covered.

JS, in response:

- Yes, bin storage is proposed. It can be seen on one of the drawings.

MC: agrees with SW – this is better use of one very big house, sub-dividing it into several dwellings. On Planning View, noted the access was down a narrow road, and there are a couple of references to visibility splays in the report. The Highways officer has said these will need to be maintained. Who will be responsible for the maintenance, with eight sets of accommodation on site?

RW: it is difficult to see any valid reason not to permit this proposal, especially as there is no change to the external building. Notes that the plan shows 14 car parking spaces – this doesn't sound unreasonable to him. The proposal feels like good use in planning terms, and goes towards meeting Cheltenham's housing needs.

PB: agrees with SW. This is an excellent application. We need more units of this size, and anticipates a very long queue of people to take them up. Regarding visibility and access from the drive, there is a huge splay. Regarding parking, Cheltenham has no parking standards, and some schemes propose far less than what it proposed here.

JS, in response:

- To MC, regarding visibility, it is for the applicant to adhere to Condition 4, to ensure 45m visibility to the left and right out of the junction can be maintained.

Vote on officer recommendation to permit

9 in support

1 in objection

1 abstention

PERMIT

23. 18/01940/FUL Garages rear of Mercian Court

Application Number:	18/01940/FUL
Location:	Garages Rear Of Mercian Court Park Place Cheltenham
Proposal:	Demolition of 12no. lock-up garages and erection of 3no. 2 bed Mews Houses
View:	Yes
Officer Recommendation:	Permit
Committee Decision:	Permit
Letters of Rep:	8
Update Report:	None

Officer introduction:

MP introduced the application, at Committee at the request of Councillor Harman due to concerns from local residents. The proposal is for the demolition of 12 garages, to be replaced with three mews-style dwellings. Officers feel this is effective use of a brownfield site, which will enhance the conservation area, cause no harm to neighbouring amenity, and comply with highways requirements. The recommendation is to permit, subject to conditions.

Public Speaking:**Neighbour, in objection**

Is speaking as an independent neighbour, summarising the objections and observations of other neighbours as well as himself. Neighbours had come to terms with the previous proposal, permitted in December 2017, for two dwellings with parking on this brownfield site. The latest application is for three houses with no gardens, and will impact neighbouring amenity and privacy, and have traffic implications. These properties have no private amenity space, and will need to keep their wheelie bins and recycling boxes inside to preserve good external appearance, but the garages are so small, there will be no room if a car is parked inside. The result will be either cars parked in front of the houses, or refuse left in the lane – against the development aim to improve and enhance the lane.. The garages are too small for cars and may well be converted in living rooms, increasing the possibility of cars being illegally parked on the lane. Regarding privacy, the existing three cottages were mandated to have frosted glass in their east-facing windows to avoid overlooking the gardens in Painswick Road. The frontal aspect of these cottages is towards Park Place, not the service lane of Ashford Road, and they have no back doors onto the lane. The proposed houses have balconies which will look directly into the kitchen, rear bedrooms and garden of his property. There should be a consistent approach between the existing and proposed cottages. Regarding traffic, a third household will mean an increase in traffic and potential conflict with existing users of the garages and back garden access from the lane. The application states that the garages are disused, but three households represents a significant change of use to the lane, with more air and light pollution from traffic and from the houses. The occupants are likely to have two cars per household, plus deliveries and visitors. There is no room for parking in the lane, but likely that residents and visitors will park on some part of the lane, blocking access for others with legal use of the lane. This needs to be considered and shouldn't be passed off as a civil issue. Finally, Severn Trent says there are no public sewers in the area, but residents understand there is a large mains sewer pipe under the lane, which probably carries outflow from 45-63 Painswick Road. During construction, large trucks bringing heavy materials could damage the lane and sewer, and residents would therefore urge Severn Trent to investigate and reinforce if needed. The risk of flash floods needs to be considered – Severn Trent must build in the lane rainwater soakaway drains that feed into the mains drainage outflow pipes

Agent, in support

There is already extant planning permission for redevelopment of this site with a contemporary housing scheme, the principle of which has been accepted; this application is a fresh look at the same site, with a new applicant and architect. It is more innovative, 'mews house' design approach, and makes more effective use of the site. The proposal meets all CBC's criteria for amenity standards as set out in Policy CP4. The NPPF requires councils to take a more flexible approach when applying policies or guidance relating to daylight and sunlight where they would otherwise inhibit making efficient use of a site. Paragraph 123 of the revised NPPF states that where there is an existing or anticipated shortage of land to meet identified housing needs, it is especially important that planning decisions ensure that developments make optimal use of the potential of each site. Regarding the size of the parking spaces, the recently-permitted scheme had two spaces approximately 2.4 x 5m. This proposal has three garages 2.7 x 5.3m internally, larger than those previously deemed acceptable by the council. In addition, as the report states, this is

a sustainable location where no parking would be acceptable. The application has been amended to include integral and convenient bin stores, and the dwelling will provide passive surveillance of an area that currently has little security. To sum up, this proposal enhances the overall design of the extant permission; makes efficient use of the site, in line with planning policy; complies with regard to amenity space; will improve the locality; and provides parking spaces, despite being in a highly sustainable location. IT is supported by the Architects Panel, and St Philip's and St James's Area Residents Association recognise its positive contribution to the urban scene. It is a much-improved solution for the site, and urges Members to approve in accordance with officer recommendation.

Member debate:

BF: can officers confirm whether the road is private or a public highway?

MP, in response:

- It is an unadopted road.

DB: is particularly concerned about the size of the garages. It would be possible to get a small car into them, but how long will they actually be used as garages? The whole area has a horrendous parking situation, and 3-6 more cars will make it a lot worse. If the new residents choose to park in the lane as an alternative, this will cause problems for residents opposite trying to get in and out of their garages in their cars.

Also questions the situation re. parking, and how secure the windows are at the top. Is concerned about Mercian Court, on the other side of the houses; the proposed building is very close to its windows. Will the proposed houses fit in with the height of houses round Mercian Court? Would welcome some clarification.

SW: unfortunately, we no longer have the tool in the toolbox to consider the density of a proposal – if we did, would use it to object to this proposal, as he feels the dwellings are unacceptably small. Regarding the garages, how many people actually park their cars in their garages? These garages are sure to end up as store rooms. The speaker said people will be parking illegally? Can officers confirm whether parking on the road here is illegal?

VA: feels this is a good-looking design and a vast improvement on the garages, but is concerned that the site is being maxed out here re. the number of properties. It's a shame that no additional parking is provided, and that there are no gardens. The original approval for two houses seems like a better solution for such a small space.

BF: basically supports this application. The design is good, better than the previous scheme, and the principle of developing these garages is agreed. There could be problems arising from the fact that this is a private road, and regarding the size of the garages – but there is no set limit for this. It is a ridiculous piece of legislation, not having a set size – but there is room for a mower and a bike. Will support the application as it's better than the previous, and parking isn't an issue for the council as it is a private road.

RW: is disturbed by BF's comments. Feels that the overall design is innovative and makes good use of the land, but is concerned that not enough parking is provided. Even if this is a private road, parking on it could cause an obstruction so it should be regarded as having no on-street parking available. If that is the case, the issue is whether adequate parking is provided – needs reassurance of this.

DS: took the opportunity on planning view to look into the only open garage, and was horrified by its width. These garages are too small, and it is wrong to think people will use them for their cars. If they have to be this small, it would be better if they were to be additional rooms instead – but realises we are not here to design on the hoof.

SC: shares others members' concern about parking. The garages appear very small on the plan; people won't use them, but will probably have one or two cars per household. They will most likely end up parking outside, creating a potential accident or conflict. The existing users of the garages opposite will have great difficult manoeuvring their cars in and out, and neighbourhood conflict could result. Can officers assure Members that if cars are parked all along the road, the existing residents will be able to get in and out of their garages opposite quite comfortably?

PB: how big are the individual houses? Would there be grounds to refuse on CP7?

MP, in response:

- Members' biggest concern is with parking; the garages are 2.7m wide, and the minimum dimension in guidance is 3m internally – so these are 30cm short. However, we cannot insist on people using their garages for parking;
- The scheme was considered on nil parking standards – there is no minimum requirements in Gloucestershire, and this is a sustainable location, so we cannot insist of parking space being provided;
- If cars are parked immediately in front of the houses – which is unlikely – it is ultimately a civil issue. The applicant has control over the area within the red line, and could park there now should they wish;
- To DB, re privacy and obscure windows, these are only proposed on the rear windows facing Mercian Court– on the front elevation, the windows are clear glazed. This is the same as the extant position, where the windows were considered to be an acceptable distance from the neighbouring gardens;
- Regarding the height of the rear wall in relation to Mercian Court, the section drawing shows the height, and that the upper floor of the property is set away from the boundary;
- The scheme has been revised to introduce a purpose-built bin store, sufficient to accommodate a wheely bin. It is considered reasonable that recycling and household food waste will be stored in the garage.

PB: considers this proposal a great success, well-designed – as described by the Architects' Panel. Land for building is finite in Cheltenham, and this is a fantastic use of a derelict garage site. There could be issues with parking, but this is an unadopted highway.

Vote on officer recommendation to permit

7 in support

3 in objection

1 abstention

PERMIT

24. 18/01947/FUL & LBC 61 Pittville Lawn

Application Number:	18/01947/FUL & LBC
Location:	61 Pittville Lawn
Proposal:	Erection of small single storey extension at basement level, minor internal works including reconfiguration of basement layout (part regularisation)
View:	Yes
Officer Recommendation:	Refuse

Committee Decision:	Permit
Letters of Rep: 1	Update Report: None

Officer introduction:

NH introduced the application for internal changes and a small, single-storey basement-level extension. It is at Committee at the request of Councillor Parsons. Enforcement officers have looked at the site as work has taken place there without consent; a similar application in September 2018 was withdrawn. Regarding the proposal site, officers consider it to be a good example of a basement designed to be a service area, reflecting the clear social and functional divisions within the household and building. This is reflected in the layout and detailing of the basement, and the loss of historic fabric and layout is felt to be unjustified. Solutions have been sought, including a door between the lounge and lobby for internal access – but advice has not been taken, leaving officers with no choice but to refuse, as they consider the harm to outweigh the public benefit of this proposal.

Public Speaking:**Agent, in support**

This is a Grade II listed building, part of a terrace of four townhouses built in the early-mid 1800s. The application is part of an ongoing programme of investment and improvement. The majority of works are considered acceptable by officers, with a difference of opinion relating to two elements of the works to the basement, which are designed to improve circulation and outlook: firstly the insertion of a 2.7m opening in the wall between the stair lobby and the lounge, and secondly the part removal of a wall to the basement stair and lobby and insertion of a balustrade. There are many surviving historical features on the upper floors of the property, but few of any significance in the basement, which has been subjected to various works when the building was converted to flats in the 1970s, including the insertion of a concrete floor slab, re-plastering and sub-division of the original plan form in many of the rooms. Parts of the existing partition between the stair lobby and rear basement room have been significantly altered, with the insertion of block work in places. There are significant material considerations and heritage benefits overlooked in the officer report. The adjoining building at 59 Pittville Lawn gained listed building consent for very similar works at basement level, with the officer report noting that the basement had been heavily altered, and the approved plans showing virtually identical alterations to those proposed by the application at No 61. The two houses are part of the same listing, so the works to No.61 should be acceptable. The changes to the plan form will reinstate the original proportions of the front basement room, through removal of modern partitions, and integrate the basement level in a beneficial way with the rest of the house. The boiler room will be located at the lower ground floor, allowing relocation of the existing boiler to improve the layout and bring the existing hallway back into residential occupation. Finally, the basement ceiling has been over-plastered with modern 'artex' plasterwork, which is proposed to be re-plastered and reinstated sympathetically. It is notable that there are no neighbour objections from neighbours. In conclusion, the overall programme of works provide an appropriate balance of retaining and enhancing the plan form of the property, and will bring back a number of areas of the basement into long-term beneficial use. The proposals accord with the NPPF and Local Plan in relation to protecting heritage assets whilst maintaining the building in its optimal viable, residential use as a single family dwelling

Councillor Parsons, in support

For anyone who remembers the television programme *Upstairs, Downstairs*, this house dates from that period, where servants worked in the basement. The house has gone through several changes in the intervening 200 years, including some quite drastic

alterations, and the addition of a number of partitions when the house was divided into flats. This proposal takes away much of the 1970s alterations, and restores the original shape and form, as the original house was meant to be. The changes have a mixed effect – some restore, some are more questionable, opening up the lobby and lounge. The officer suggests that there would most likely have been a standard-width door between the lobby and the lounge, but from chipping at the plaster to see what is beneath, it hasn't been possible to find anything indicating a door through from lounge to lobby, or whether this went all the way to the ceiling. It is difficult to know what is original and what is new. Each case must be judged on its own merits, but it is difficult to ignore what has gone before and ask why a planning officer in the past felt it was OK to take down the same wall at No. 59. If it was OK then, it is still OK today. Is supportive of this proposal, does not feel the balance to be negative, and knows that the applicant is spending a lot of money in restoring the whole of this house to its former glory, including the basement.

Member debate:

PB: thanked Councillor Parsons for this eloquent explanation – it was quite difficult to understand on paper.

BF: obviously this has to be an 'on-balance' decision. The report refers to 'what appears to be' a historic wall – is it or isn't it? It is very difficult with old properties; many were knocked about in the 50s and 60s, and to find what was there originally isn't easy. A lath and plaster ceiling has already been lost here and cannot be restored, but can be made good with a new ceiling. On balance, can be persuaded to vote for it.

DB: a lot of work has already been undertaken on this property, and it seems a ridiculous situation to have to go into the back yard in order to get into the basement. It makes it non-functional as a whole house at the moment. By doing these alterations, the applicant is trying to get back to a whole house as it was originally. There would have been two large rooms in the basement – this is what the applicant wants to get back to. It's unfortunate that we can't see how it was originally, but these alterations will go some way towards achieving this. If it takes these changes to make it work as a full house again, that is good.

SW: always struggles with listed building applications. Half of him says yes, let's do it, make a better building, but is always equally concerned that we should listen carefully to what the conservation officer is saying, to avoid listed buildings being altered beyond recognition, just because a particular proposal works well at the time. Is pleased with a lot of the work being proposed, including the removal of the 1970s alterations, and putting the house back to how it was; and how did people get from the lounge to the lobby? Officers have suggested that a doorway through from the lobby would be acceptable, but knocking the whole wall out would be a step too far. We should listen to our conservation officers, and not just go along with what makes it more attractive for the applicant. Likes the work done so far, but is listening carefully to the conservation officer. It wouldn't take much to go a step too far, and change what was a historic building beyond recognition.

NH, in response:

- To BF, regarding the reference in the report to what 'appears to be' a historic wall – it is difficult to tell what is or isn't historic, and various methods are used, including the width of the wall and the materials used. Some of the plaster has been taken off to reveal 3-4 breeze blocks, but the rest appears to be historic brick;
- Regarding the lath and plaster removed from the lobby area, this can be reinstated, using horsehair, lime and plaster, and the right tradesman.

PB: this is a difficult application. The conservation officer is spot on in saying that Cheltenham is proud of its historic buildings, but buildings must evolve. Agrees with DB: the house as it stands presently doesn't work. Will therefore reluctantly support the application.

RW: agrees that this is difficult. Has been listening to all the details discussed, and appreciates that it is an 'on-balance' recommendation. At paragraph 7.1 in his report, the officer states that the 'less than substantial harm...is not outweighed by any public benefit'. Struggles with this – if the owner can restore to a full house what was formerly flats, this must be considered a public benefit. There has already been a great deal of development here, and added to that must be the sense of evolution – is leaning towards supporting the scheme. It would be a shame to turn down a good scheme because of what is in the basement. Feels there is a very strong case to support this, in view of everything that has been done before; these buildings should not be pickled in aspic.

Vote on officer recommendation to refuse

1 in support

10 in objection

NOT CARRIED

Vote on 18/0029292./LBC to permit

10 in support

1 in object

PERMIT

Vote on 18/2902348924/FUL to permit

10 in support

1 in objection

PERMIT

Both decisions will be delegated back to the officers to work out conditions, in conjunction with the Chair and Vice-Chair.

25. 18/01962/FUL 1 Finchcroft Lane

Application Number:	18/01962/FUL
Location:	1 Finchcroft Lane
Proposal:	Rear extension to existing dwelling
View:	Yes
Officer Recommendation:	Refuse
Committee Decision:	Permit
Letters of Rep:	3
Update Report:	None

Officer introduction:

BH told Members that this proposal for a two-storey addition to the front of the house followed a recent permitted application, where revisions were sought to remove the proposed single storey. Councillor Payne, who requested the application be brought to Committee, considers that the proposal adds character to an otherwise bland proposal, but officers consider that it will harm the street scene. Their recommendation is therefore to refuse.

Public Speaking:

Applicant, in support

Moved to the property six years ago, as a long-term family home. The property was tired and in need of significant repairs; has invested a great deal of time and effort in extensive restoration to get the house to its current condition. Loves the area, and would like to stay here as long as possible. Neighbours are supportive, and the Parish Council is happy with

the scheme. Would not propose anything which would damage the neighbourhood, streetscene or house itself. It is an unusual house, with the main and original door facing the garden; the door to Finchcroft Lane is not used or accessible, and with the drive and access of Noverton Lane, the house is naturally accessed from that side. Is asking for one change to the existing permission – the provision of a first floor above an already approved ground floor extension, with gabled roof to match the existing house. The planning officer acknowledges that whether or not this is a front or rear extension isn't the issue; it states that the extension will not be subservient to the main house and will dominate the west elevation. In fact, the gables are lower than the existing main roof, the proposal will not add to the footprint, and will be no closer to the road than what is already approved. Therefore feels that the extension is subservient, and that the design represents continuity of the original building and previous developments. Due to previous alterations, there are different stairs and varying levels in the house, making space quite inefficient. The extension will help the house to function better as a family home. If it was harmful to the streetscene, there would have been at least one objection, or objection from the Parish Council, but there have been neither. The guidelines in the SPD are only guidelines, not policy or rules. The house is unusual and different from the more standard type of housing covered by the SPD – it would be impossible for the SPD to cover all scenarios. Considering all these points, feels that the extension is appropriate to the house and streetscene.

Member debate:

SW: supports officers on this; has no truck with whether it is a front or rear extension. It is a fact that the footprint is the same – doesn't like the idea of ground floor coming out, but cannot change that. But with the second storey and two more gables, the extension is certainly not subservient – the result appears far too muddled. We have to accept ground floor extension – that already has planning permission – but two more gables, well forward of original building is too much. Cannot support the application.

BF: tempted to say 'here we go again' with subservience. This proposal is clearly not an architectural gem. The house is a stock build of the 1960s, which has been much altered. Houses evolve over time, and it is the personal choice of the owners as to how this happens. These owners need more space. Finds it very difficult to vote against this application, and will need more persuading in order to do so.

TO: doesn't see how this can be described as subservient. Cannot support it – it looks ugly.

Vote on officer recommendation to refuse

5 in support

5 in objection

1 abstention

PB: this is another tricky application. Does consider the proposal to be subservient – the rooflines are lower. The house is evolving, and doesn't work as it is. Doesn't agree that it is ugly, although it is not the best design. Notes that the Parish Council has made no comment, and that the ward councillors are supportive. Will therefore use his **casting vote as Chairman** to reject the officer recommendation and support the proposal.

PERMIT, subject to conditions to be worked out by officers, in agreement with Chair and Vice-Chair.

26. 18/02055/FUL 31 Copt Elm Close

Application Number:	18/02055/FUL
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Location:	31 Copt Elm Close		
Proposal:	Proposed two-storey front extension and loft conversion with front and rear dormers		
View:	Yes		
Officer Recommendation:	Permit		
Committee Decision:	Permit		
Letters of Rep:	1	Update Report:	None

Officer introduction:

BH introduced the application as above, at Planning Committee at the request of Councillor McCloskey, due to the potential impact on the view and on the neighbouring property in Copt Elm Road. The officer recommendation is to permit.

Public Speaking:

None.

Member debate:

PB: on Planning View, thought that this is an excellent design. Does not feel that overlooking is a problem, nor that it is particularly overbearing on neighbouring property – these are therefore not reasonable planning grounds to refuse.

Vote on officer recommendation to permit

11 in support – unanimous

PERMIT

27. Any other items the Chairman determines urgent and requires a decision

SW: on the recent Completed Schemes Tour, several Members were concerned about the finish on some of the more expensive properties. Recently went to visit the new CBH properties in Newton Road, and would just like to say that the design and finish on these are amazing. This is social housing, and all the detail – mitres, wood grain etc – is done to perfection. Full marks to CBH and the builder. If only all buildings were finished like that!

Chairman

The meeting concluded at Time Not Specified